

Local Rule 26.3
Non-filing of Civil Discovery

Except as otherwise directed by the Court or by these rules, in all civil actions other than inmate complaints challenging the conditions of confinement:

(a) Interrogatories, requests for production, requests for admissions and responses thereto, and notices of depositions shall be served in accordance with Fed. R. Civ. P. 5, but shall not be filed with the Clerk except upon order of the Court or for use at trial or in connection with motions. The party responsible for service of the discovery material shall retain the original and become the custodian.

(b) No depositions shall be filed with the Clerk unless the Court directs otherwise, or unless in support of or in opposition to a motion. Counsel who notices a deposition shall be the custodian of the deposition and shall maintain the original for filing.

(c) If discovery materials are germane to any motion or response, the relevant material shall be filed with the motion or response.

(d) During the pendency of any case the custodian of any discovery materials, other than depositions, shall provide to counsel for all other parties reasonable access to the material and an opportunity to duplicate the material at the expense of the copying party, and any other person may, with leave of Court, obtain a copy of any discovery material from its custodian upon payment of the expense of the copy.

(e) When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.

(f) The provisions of this Rule for non-filing of discovery materials and their retention by counsel as custodian do not apply (1) to depositions noticed by, or discovery materials to be served by, litigants who are not represented by counsel, or (2) in civil actions instituted by inmate plaintiffs challenging the conditions of confinement. Nor do these provisions preclude the Clerk from receiving and docketing discovery materials on file when a case is removed or transferred from another Court.

(g) Any discovery material, depositions and trial exhibits filed with the Clerk will be disposed of by the Clerk as set out by M.D. Ala. LR 5.9.